

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DARIO GARO,

Plaintiff,

NOT FOR PUBLICATION  
ORDER

-against-

FEDERAL EXPRESS CORPORATION,

07-CV-3794 (CBA) (LB)

Defendant.

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AMON, United States District Judge:

On September 10, 2007, plaintiff filed this action alleging discrimination and wrongful termination based on his race in violation of Title VII of the Civil Rights Act, 42, U.S.C. §§ 2000e to 2000e-17. Defendant has moved for summary judgment pursuant to Fed. R. Civ. P. 56. On September 23, 2008, this Court referred defendant's motion to the Honorable Lois Bloom, United States Magistrate Judge, for a Report and Recommendation ("R&R"). On September 29, 2009, Magistrate Judge Bloom recommended that defendant's motion for summary judgment be granted. Plaintiff filed timely objections to the R&R.

The Court reviews Magistrate Judge Bloom's R&R de novo. See Fed. R. Civ. P. 72(b). The Court has reviewed the R&R and finds plaintiff's objections without merit.

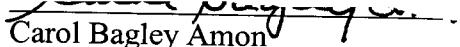
The arguments raised in plaintiff's objections do not challenge the R&R's finding that plaintiff failed to establish a prima facie case of discrimination based on race. Plaintiff also argues in his objections that defendant did not fairly participate in the discovery process. However, plaintiff failed to properly raise a discovery dispute before Magistrate Judge Bloom. See Civ. R. 37.3 (E.D.N.Y.).

Accordingly, the Court adopts the R&R dated September 29, 2009 as the opinion of the Court. The Clerk of the Court is directed to enter judgment in accordance with this order and to close the case.

SO ORDERED.

Dated: Brooklyn, New York  
February 12 2010

/Signed by Judge Amon/

  
Carol Bagley Amon  
United States District Judge